

DATE: 29 May 1973

TO: Mr. William E. Colby

FROM: George A. Carver, Jr.

SUBJECT:

REMARKS:

1. Attached is a package which -- per our conversation of Saturday (26 May) -- you may find of interest. You can skip Refs B, C, and D unless you are rather more interested in penguins than I think is the case.

2. I caucused with the Brethern this morning (29 May) to organize the assemblage of some material to help you in your upcoming confirmation hearings. We are trying to get together (A) the best available figures on the current size of the infrastructure, (B) a brief statement of what has happened to the Phoenix program and what are its current bureaucratic guises or descendents within the GVN, and (C) a defensible -- or, at a minimum, respectably arguable -- case for the proposition that Phoenix redounded to the net benefit of the GVN and over-all U.S. objectives. These three notes should be ready by the end of this week.

15/

George A. Carver, Jr.

Special Assistant for Vietnamese Affairs

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PAGE 01

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TO: PRIORITY DIRECTOR INFO CAN THO.

RYBAT TAPPER VNO

REFS: A. SAIGON EMBTEL 8618

B. DIRECTOR 410665

C. SAIGON 64205

D. DIRECTOR 413736

PRECEDENCE

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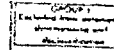
1. FOLLOWING COMMENTS DESIGNED TO HELP PLACE REF A IN
PERSPECTIVE:

A. USE TERM PHOENIX IS OF COURSE ANACHRONISTIC. TERM
PHUNG HOANG APPLIES BUREAUCRATICALLY ONLY TO PHUNG HOANG
COMMITTEES, WHICH SUPPOSED TO SET POLICY FOR COORDINATION
GVN INTER-AGENCY ASSISTANCE TO NATIONAL POLICE COMMAND (NPC)
AS REQUIRED. COMMITTEES NOT OPERATIONAL AND ABOUT AS
EFFECTIVE AS MOST COMMITTEES. OPERATIONAL PROGRAM NOW
UNDER NPC AND KNOWN AS "PROTECTION OF PEOPLE AGAINST
TERRORISM (POPAT)." LONG RANGE PLAN OF CHIEF, NPC IS
GRADUALLY TO MERGE POPAT ACTIVITIES WITH THOSE OF SPECIAL BRANCH.

B. AS LONG AS VC CONTINUE "POLITICAL" STRUGGLE

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PAGE 02

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INCLUDING FAMILIAR TACTICS OF ASSASSINATIONS, ABDUCTIONS, TAX EXTORTION, AND TERRORISM, THE GVN WILL RESPOND WITH SOME KIND OF COUNTER-SUBVERSIVE AND INTERNAL SECURITY PROGRAM. SUCH VC TACTICS CONTINUE IN MR-4. FOR INSTANCE IN MR-4 DURING THE FIRST WEEK OF MAY, FOR WHICH WE HAVE STATISTICS, THE VC WERE RESPONSIBLE FOR 13 ASSASSINATIONS, 19 ABDUCTIONS, AND TERRORIST EXPLOSIONS THAT KILLED OR INJURED 32 PEOPLE. THESE ACTS WOULD SEEM ON BALANCE CLEARLY TO CONSTITUTE A GREATER VIOLATION OF ARTICLE 30 OF THE PARIS AGREEMENTS THAN THE GVN RESPONSE. FURTHERMORE WE QUESTION VALIDITY OF CHARGING AS VIOLATION PHUNG HOANG COMMITTEE PLANNING TO "DOUBLE OPERATIONS" (IN NPC JARGON, "OPERATIONS" INCLUDE VARIOUS KINDS OF ACTIVITY SUCH AS SURVEILLANCE, INVESTIGATION, ARRESTS, AND WALKS IN THE SUN). IT IS THE ACT, NOT THE PLAN, WHICH DEMONSTRATES VIOLATION OF THE AGREEMENT; AND THERE ARE A LOT OF KIA'S TO PROVE VIOLATIONS BY BOTH SIDES.

C. IN SUM, REF A IS AN OVERSIMPLIFICATION OF A COMPLEX GVN PROGRAM, AND A DISTORTION OF THE TRUE PICTURE. THE POPAT PROGRAM HAS BEEN AND CONTINUES TO BE AN ESTABLISHED POLICE PROGRAM HERE. THERE HAS BEEN NO RECENT SIGNIFICANT

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RESURGENCE IN EFFORT; NOR CHANGE IN METHODOLOGY. PROGRAM HAS BEEN MOVING AT RELATIVELY CONSISTENT PACE WITH REASONABLY EFFECTIVE RESULTS. IT IS PRESENTLY NEITHER MORE NOR LESS ENERGETIC/EFFECTIVE THAN DURING PREVIOUS SEVERAL MONTHS. FURTHERMORE, POPAT REPRESENTS ONLY RELATIVELY SMALL SEGMENT OF OVERALL, BALANCED POLICE EFFORT, AS SUGGESTED BY FOLLOWING STATISTICS: IN MR-4 DURING PERIOD FEB THROUGH 21 MAY 73 THERE TOTAL OF 1,317 VCI RALLIED, CAPTURED, OR KIA; DURING SAME PERIOD THERE TOTAL OF 23,546 ARRESTS OF DESERTERS, DRAFT DODGERS, POLICE DESERTERS, AND SOCIAL OFFENDERS IN MR-4.

D. ANOTHER MISLEADING ASPECT OF REF A IS SUGGESTION THAT POPAT PROGRAM IS GOING UNDERGROUND. IN FACT JUST THE OPPOSITE WOULD APPEAR TO BE THE CASE. ON 12 MAY 1973 PRIME MINISTER PUBLISHED DECREE LAW NO. 90-SL/NV, WHICH IMPLEMENTED PRESIDENTIAL DECREE LAW NO. 20-TT/SLU OF 23 NOV 72 CONCERNING PROCEDURES APPLICABLE TO DETENTION, CONFINEMENT, AND ISOLATION OF PERSONS DANGEROUS TO NATIONAL DEFENSE, SECURITY OF THE COUNTRY, AND PUBLIC ORDER. THE PRIME MINISTER'S DECREE LAW, WHICH WAS PUBLICIZED IN THE MEDIA, LEGALIZED WHAT ESSENTIALLY ARE THE AN TRI PROCEDURES, WITH SOME MODIFICATIONS.

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PAGE 04-04

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THESE PROCEDURES, WHICH FORMERLY FUNCTIONED ONLY UNDER THE MANDATE OF VARIOUS MINISTERIAL CIRCULARS OR DIRECTIVES, APPLY TO THE PERSONS AGAINST WHOM THE POPAT PROGRAM IS TARGETED. TO PUBLICIZE THESE PROCEDURES AT THIS TIME HARDLY SEEMS CONSONANT WITH REF A'S ALLEGATION THAT THE PROGRAM IS GOING UNDERGROUND.

2. FINALLY, BELIEVE IT ALSO PERTINENT TO POINT OUT THAT ZERXS PHOENIX AND PHUNG HOANG HAVE HIGHLY EMOTIONAL OVERTONES WITH SOME UNFORTUNATE CONNOTATIONS BOTH HERE AND BROAD. THEREFORE, UNDER PRESENT CIRCUMSTANCES, BELIEVE IT SHOULD BE USED ONLY WITH GREAT CIRCUMSPECTION AND EXACTITUDE, IF AT ALL. AMBASSADOR WHITEHOUSE SHARES THIS VIEWPOINT.

3. NO FILE. E2 IMPDET

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 C O N F I D E N T I A L SAIGON 8618

E.O. 11652 GDS
 TAGS: PINT, MARR, VS
 SUBJECT: PHOENIX GOES UNDERGROUND

FOLLOWING SENT ACTION SAIGON DTD 15 MAY FROM CAN THO

QUOTE C O N F I D E N T I A L CAN THO 0314

E.O. 11652: ADS DECLAS DECEMBER 31, 1974
 TAGS: PINT, MARR, VS
 SUBJECT: PHOENIX GOES UNDERGROUND

1. AFTER A TWO MONTH RESPITE, THE PHOENIX PROGRAM IS QUIETLY COMING BACK TO LIFE. AT A MAY 11 DELTA PROVINCE CHIEFS MEETING, MR IV COMMANDER, MG NGUYEN VINH NGHI, DIRECTED ALL SECTORS TO SHARPLY INCREASE INTELLIGENCE OPERATIONS AND VIGOROUSLY ROOT OUT THE VIET CONG INFRASTRUCTURE (VCI).

2. PHOENIX ACTIVITIES HAVE BEEN GENERALLY RESTRAINED SINCE THE CEASEFIRE, PARTLY BECAUSE THEY VIOLATE ARTICLE 30 OF THE PARIS AGREEMENT, AND PARTLY BECAUSE THE WORKING LEVEL FORCES-- TERRITORIAL UNITS, SUB-SECTOR S-2S, POLICE, VILLAGE OFFICIALS-- LACKED THE ZEAL TO PURSUE THEIR RISKY BUSINESS. FOR A TIME, THE GVN TRIED TO CONTINUE THE PROGRAM UNDER THE COVER OF CHANGING THE NAMES OF THE TARGETS FROM VC INFRASTRUCTURE TO "DISRUPTORS OF DOMESTIC TRANQUILITY." GENERAL NGHI'S RECENT INSTRUCTIONS TO SECTOR COMMANDERS DID NOT PRETEND TO MAKE SUCH

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TOR: 160647Z MAY 73

SEMANTIC DISTINCTIONS.

3. A PHONG DINH PROVINCE PHOENIX OFFICIAL TOLD A CONSULATE
GENERAL OFFICER MAY 11 THAT SAIGON HAD INSTRUCTED ALL PROVINCE
PHUNG HOANG (PHOENIX) COMMITTEES TO DOUBLE THE NUMBER OF
MONTHLY OPERATIONS AGAINST VCI. H"#3 8764-*2611 17-1589,
17835167 WITHOUT THE FANFARE AND PUBLICITY THAT IT USED TO
RECEIVE, BUT THE GVN HAS ASSIGNED IT HIGH PRIORITY. WISNER
UNQUOTE WHITEHOUSE

* WILL FUNCTION QUIETLY *

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